

**Assembly Bill No. 1096**

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Passed the Assembly May 16, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate July 11, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 3009 and 3017 of the Elections Code, relating to ballots.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1096, Umberg. Absentee ballots.

Existing law permits voters to receive absent voter ballots upon satisfying specified application requirements. If the elections official deems the applicant to be entitled to an absent voter's ballot, the elections official shall deliver the ballot by mail or in person to the applicant, his or her spouse, or his or her parent if the applicant is unmarried.

This bill would instead authorize the elections official to deliver the ballot to the applicant, his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter, as specified.

Existing law provides that an absent voter who, because of illness or other physical disability, is unable to return an absentee ballot, as specified, may designate specified individuals to return the ballot as indicated.

This bill would provide instead that any absent voter may designate specified individuals to return the ballot.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3009 of the Elections Code is amended to read:

3009. (a) Upon receipt of any absentee ballot application signed by the voter that arrives within the proper time, the elections official should determine if the signature and residence address on the ballot application appear to be the same as that on the original affidavit of registration. The elections official may make this signature check upon receiving the voted ballot, but the signature must be compared before the absent voter ballot is canvassed.

(b) If the elections official deems the applicant entitled to an absent voter's ballot he or she shall deliver by mail or in person the appropriate ballot. The ballot may be delivered to the

applicant, his or her spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household as the absent voter. The elections official shall deliver the absentee ballot to the applicant's spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household as the absent voter only if that recipient signs a statement attested to under penalty of perjury that provides the name of the applicant, his or her relationship to the applicant, and affirms that he or she is authorized by the applicant to deliver the absentee ballot.

(c) (1) If the elections official determines that an application does not contain all of the information prescribed in Section 3001 or 3006, or for any other reason is defective, and the elections official is able to ascertain the voter's address, the elections official shall, within one working day of receiving the application, mail the voter an absent voter's ballot together with a notice. The notice shall inform the voter that the voter's absent voter's ballot shall not be counted unless the applicant provides the elections official with the missing information or corrects the defects prior to, or at the time of, receipt of the voter's executed absent voter's ballot. The notice shall specifically inform the voter of the information that is required or the reason for the defects in the application, and shall state the procedure necessary to remedy the defective application.

(2) If the voter substantially complies with the requirements contained in the elections official's notice, the voter's ballot shall be counted.

(3) In determining from the records of registration if the signature and residence address on the application appear to be the same as that on the original affidavit of registration, the elections official or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.

SEC. 2. Section 3017 of the Elections Code is amended to read:

3017. (a) All absentee ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the absent voter shall either: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to any member of a precinct board at

any polling place within the jurisdiction. However, an absent voter who is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of any ballot returned to a precinct polling place.

(c) The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

(d) Notwithstanding subdivision (a), no absent voter's ballot shall be returned by any paid or volunteer worker of any general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision shall not apply to a candidate or a candidate's spouse.







Approved \_\_\_\_\_, 2005

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*Governor*